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4 STUDENT A, et al.,
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Plaintiffs,

7 v.
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9 BERKELEY UNIFIED SCHOOL
10 DISTRICT, et al.,
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Defendants.
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Case No. 17-cv-02510-JST

**ORDER APPROVING PROPOSED
NOTICE AND SETTING DATE FOR
FINAL FAIRNESS HEARING**

Re: ECF No. 156

13 On July 8, 2021, the Court issued an order in which it (1) conditionally certified the
14 proposed class for settlement purposes only; (2) preliminarily approved the settlement agreement
15 and notice plan; and (3) preliminarily appointed Disability Rights Education and Defense Fund,
16 Inc. (“DREDF”), including but not limited to Claudia Center of DREDF; Deborah Jacobson of
17 Jacobson Education Law, Inc.; Goodwin Procter LLP (“Goodwin”), including but not limited to
18 Brendan E. Radke of Goodwin; and King & Spalding LLP (“King & Spalding”), including but not
19 limited to Shane Brun and George Morris of King & Spalding, as class counsel, and Plaintiffs as
20 class representatives. ECF No. 156. In that order, the Court required Plaintiffs to correct certain
21 errors in the proposed notice to the settlement class and to file a revised proposed notice for the
22 Court’s review, as well as a redline showing any changes made to the proposed notice. *Id.* at 4.
23 The Court further noted that it would set dates for a motion for final settlement approval, a petition
24 for an award of attorney’s fees, and a final fairness hearing once it approves the revised proposed
25 notice and authorizes the dissemination of such notice to the settlement class. *Id.*

26 Now before the Court is Plaintiffs’ revised proposed notice. *See* ECF No. 157. Plaintiffs
27 have corrected the errors discussed in the Court’s prior order. However, the Court notes one
28 additional error: “for a class member to request exclusion from the Settlement, the only

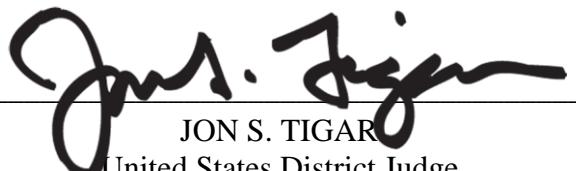
1 information the class member must provide . . . is (1) the class member's name, (2) a statement
2 that the class member wishes to be excluded from the settlement class in [*Student A. et al. v.*
3 *Berkeley Unified School District*, Case No. 4:17-cv-02510-JST], and (3) the class member's
4 signature. Information regarding class members' telephone numbers[and] addresses[] is not
5 required, contrary to what is currently indicated in the Proposed Notice." *Haralson v. U.S.*
6 *Aviation Servs. Corp.*, 383 F. Supp. 3d 959, 975-76 (N.D. Cal. 2019). The Court approves the
7 revised proposed notice subject to that change. Plaintiffs may disseminate the revised proposed
8 notice to the members of the settlement classes pursuant to the terms of the amended settlement
9 agreement. The Court sets the following dates:

- 10 a. Deadline for declaration of dissemination of class notice: August 2, 2021.
- 11 b. Deadline for class counsel to file a motion for attorneys' fees: August 27, 2021.
- 12 c. Deadline for class members to mail objections or requests for exclusion: October 1,
13 2021.
- 14 d. Deadline for class counsel to file a motion for final approval: October 21, 2021.
- 15 e. A final approval hearing will be held on November 4, 2021 at 2:00 p.m.

16 In the event that the final fairness hearing is held remotely, counsel for Plaintiffs shall post
17 instructions for remote access on the website for the settlement.

18 **IT IS SO ORDERED.**

19 Dated: July 16, 2021



20 JON S. TIGAR
21 United States District Judge

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